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Attorneys for Plaintiff
CMA-CGM AMERICA INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CMA-CGM AMERICA INC,) Case No.
)
Plaintiff,) IN ADMIRALTY
)
vs.) COMPLAINT FOR MONEY DUE
) UNDER TARIFF, BREACH OF
BARROW FREIGHT SYSTEM, INC.) CONTRACT(S), ACCOUNT STATED,
) AND OPEN BOOK ACCOUNT;
Defendants.) CERTIFICATE OF INTERESTED
) PARTIES

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CMA-CGM America Inc. alleges that:

FIRST COUNT

(For Money Due Under Tariff)

1. **JURISDICTION:** This Court has jurisdiction under 28 U.S.C. §§1331 and 1333. This matter arises under the laws of the United States, in particular, The Shipping Act of 1984,¹ 46 U.S.C. §§1701 et seq. (hereinafter "The Act"). This claim also involves contract(s) within the jurisdiction or claims pendent or ancillary to the same. This is an admiralty and maritime claim.

2. CMA-CGM America Inc is the agent for CMA CGM a common carrier by water (collectively "Plaintiff"), *inter alia*, in the interstate and foreign commerce of the United States as defined in The Act. Barrow Freight System, Inc. is a motor common carrier subject to that certain Uniform Intermodal Interchange Agreement found in the filed tariff of Plaintiff.

3. Defendants, and each of them, are, and were at all times herein mentioned, a natural person, firm, association, organization, partnership, corporation, business, trust, or public entity, with its principal place of business or residence in this district and is and was a legal entity capable of being sued. Each defendant is believed to be the agent or alter-ego of each remaining defendant.

4. Venue is proper in this judicial district because it is where the claim arose and/or because Defendant(s) resides or does business in the district and/or Defendant(s) are aliens.

5. Plaintiff has filed a schedule of its rates and charges and service contracts for the carriage of cargo, wharfage and dockage, equipment charges, per diem and demurrage with the Federal Maritime Commission or has otherwise maintained said rates and charges pursuant to The Act.

¹ To the extent shipments occurred after March 1, 1999, the Act applies as amended by The Ocean Shipping Reform Act of 1998.

CERTIFICATE AS TO INTERESTED PARTIES
(Local Rule 3-16)

Pursuant to Civil L.R. 3-16, the undersigned certifies that the following listed persons, associations of persons, firms, partnerships, corporations (including parent corporations) or other entities have a financial interest in the subject matter in controversy or in a party to the proceeding:

1. CMA-CGM America Inc.
2. CMA-CGM a French Company

Dated: March 24, 2008

By: _____s/Stephen M. Uthoff_____
Stephen M. Uthoff
The Uthoff Law Corporation
Attorneys for Plaintiff
CMA-CGM AMERICA INC.